

**ASSEMBLY, No. 4196**

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**STATE OF NEW JERSEY**

**219th LEGISLATURE**

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INTRODUCED JUNE 1, 2020

**Sponsored by:**

**Assemblyman GERARD SCHARFENBERGER**

**District 13 (Monmouth)**

**SYNOPSIS**

Extends time frame for municipalities to adopt municipal stormwater plans and ordinances.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning municipal stormwater management plans and  
2 ordinances.

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4 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
5 *of New Jersey:*

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7 1. Notwithstanding the provisions of P.L.1981, c.32  
8 (C.40:55D-93 et seq.), the Department of Environmental  
9 Protection's Municipal Stormwater Management Planning Rules at  
10 N.J.A.C. 7:8-4.1 et seq., or any other law, rule, or regulation  
11 establishing a timeframe for a municipality to prepare and adopt a  
12 municipal stormwater management plan or stormwater control  
13 ordinance, the calculation of the timeframe within which a  
14 municipality is required to prepare and adopt a municipal  
15 stormwater management plan, stormwater control ordinance, or  
16 both, as applicable, shall be suspended as of March 9, 2020 and  
17 shall resume on the 120th day after the expiration of a public health  
18 emergency, pursuant to the "Emergency Health Powers Act,"  
19 P.L.2005, c.222 (C.26:13-1 et seq.), or a state of emergency,  
20 pursuant to P.L.1942, c. 251 (C.App.A.9-33 et seq.), declared by the  
21 Governor in response to COVID-19, whichever is sooner.

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23 2. This act shall take effect immediately.

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#### STATEMENT

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28 This bill would extend the timeframe within which a  
29 municipality is required to prepare and adopt a municipal  
30 stormwater management plan, stormwater control ordinance, or  
31 both, as applicable.

32 Pursuant to P.L.1981, c.32 (C.40:55D-93 et seq.) and the DEP's  
33 Municipal Stormwater Management Planning Rules, at N.J.A.C.  
34 7:8-4.1 et seq., municipalities are required to prepare and adopt  
35 stormwater management plans and stormwater control ordinances.  
36 Municipalities have one year after certain events (e.g., a deadline  
37 established in a New Jersey Pollutant Discharge Elimination System  
38 permit obtained by the municipality or a reexamination of the  
39 municipal master plan) to prepare and adopt the required  
40 stormwater management plan. Municipalities then have an  
41 additional year to adopt ordinances to implement the plan. This bill  
42 would suspend the calculation of both one year timeframes as of  
43 March 9, 2020 and resume the calculation on the 120th day after the  
44 expiration of a public health emergency, pursuant to the  
45 "Emergency Health Powers Act," P.L.2005, c.222 (C.26:13-1 et  
46 seq.), or a state of emergency, pursuant to P.L.1942, c. 251  
47 (C.App.A.9-33 et seq.), declared by the Governor in response to  
48 COVID-19, whichever is sooner.

1       In response to COVID-19, the Governor declared a public health  
2       emergency and state of emergency on March 9, 2020 in Executive  
3       Order No. 103 (2020) and further issued a “stay at home order” in  
4       Executive Order No. 107 (2020) on March 21, 2020. On April 7,  
5       2020, the Governor extended the public health emergency for an  
6       additional 30 days in Executive Order No. 119 (2020).